

COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY  
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER

19603/1420 (CRF D-1997)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD FOR SEPARATING CELLS

the specification of which (check only one item below):

is attached hereto.

was filed as United States application Serial No. 08/787,788 on January 23, 1997.

was filed as PCT international application Number \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

| COUNTRY<br>(IF PCT, indicate "PCT") | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED<br>UNDER 35 USC 119                     |
|-------------------------------------|--------------------|--------------------------------------|--|
|                                     |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|                                     |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|                                     |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

| U.S. APPLICATIONS       |                  | STATUS (Check One) |         |           |
|-------------------------|------------------|--------------------|---------|-----------|
| U.S. APPLICATION NUMBER | U.S. FILING DATE | PATENTED           | PENDING | ABANDONED |
|                         |                  |                    |         |           |
|                         |                  |                    |         |           |

PCT APPLICATIONS DESIGNATING THE U.S.

| PCT<br>APPLICATION NO. | PCT<br>FILING DATE | U.S. SERIAL NUMBERS<br>ASSIGNED (if any) |  |  |
|------------------------|--------------------|--|--|--|
|                        |                    |  |  |  |
|                        |                    |  |  |  |

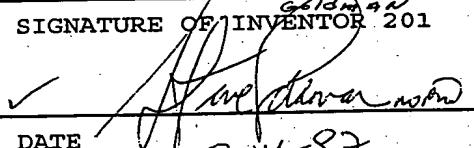
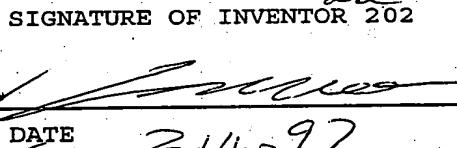
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number) Susan J. Braman, 34,103; Peter Rogalskyj, 38,601; Michael L. Goldman, 30,727; Karla Weyand, 40,223

|   |  |  |
|---|--|--|
| Send Correspondence to: Susan J. Braman<br>Nixon, Hargrave, Devans & Doyle LLP<br>Clinton Square, P. O. Box 1051<br>Rochester, New York 14603 |  | Direct Telephone Calls to:<br>(name and telephone number)<br>Susan J. Braman<br>(716) 263-1636 |
|---|--|--|

|             |                         |   |                                   |   |
|-------------|-------------------------|---|-----------------------------------|---|
| 2<br>0<br>1 | FULL NAME OF INVENTOR   | FAMILY NAME<br>Goldman                          | FIRST GIVEN NAME<br>Steven        | SECOND GIVEN NAME<br>A.                             |
|             | RESIDENCE & CITIZENSHIP | CITY<br>South Salem                             | STATE/FOREIGN COUNTRY<br>New York | COUNTRY OF CITIZENSHIP<br>USA                       |
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| 2<br>0<br>2 | FULL NAME OF INVENTOR   | FAMILY NAME<br>Wu                               | FIRST GIVEN NAME<br>Hong          | SECOND GIVEN NAME                                   |
|             | RESIDENCE & CITIZENSHIP | CITY<br>New York                                | STATE/FOREIGN COUNTRY<br>New York | COUNTRY OF CITIZENSHIP<br>Peoples Republic of China |
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

|  |  |                           |
|--|--|---------------------------|
| SIGNATURE OF INVENTOR 201  | SIGNATURE OF INVENTOR 202  | SIGNATURE OF INVENTOR 203 |
|  |  |                           |
| DATE<br>3-14-97  | DATE<br>3-14-97  | DATE                      |

ROC10:103976

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# American Type Culture Collection

12301 Parklawn Drive, Rockville, Maryland 20852-1776 USA

SINCE 1925, AN INDEPENDENT, NOT-FOR-PROFIT ORGANIZATION DEVOTED TO THE PRESERVATION AND DISTRIBUTION OF REFERENCE CULTURES

January 27, 1997

Dr. Steven A. Goldman  
Department of Neurology and Neuroscience  
Cornell University Medical Center  
1300 York Avenue  
New York, NY 10021

Dear Dr. Goldman:

It is the policy of the ATCC to return a frozen sample of any culture originally provided to us as a growing culture (e.g. test tube or flask), or in those cases where less than the required number of samples were provided and we were asked to make additional material.

We wish to ensure that the cultures preserved at the ATCC retain the correct properties and are the same as the material originally sent to us.

Cultures of ATCC 98298 and 98299 will be sent to you within a few weeks. Please examine the cultures and return the enclosed postcard to me at your earliest convenience.

Sincerely,

*Barbara M. Hailey*  
Barbara M. Hailey  
Administrator, Patent Depository

bmh

Enclosure.

cc: Susan J. Braman

#### AFFILIATED ORGANIZATIONS

American Association of Immunologists • American Institute of Biological Sciences • American Phytopathological Society • American Society for Biochemistry and Molecular Biology • American Society for Cell Biology  
American Society for Microbiology • American Society for Virology • American Society of Human Genetics • American Society of Parasitologists • American Society of Tropical Medicine and Hygiene • American Society of Zoolo-

gists • Canadian Federation of Biological Societies • Canadian Society of Microbiologists • Genetics Society of America • Infectious Diseases Society of America • Mycological Society of America • National Research Council • National Academy of Sciences • Pharmaceutical Research and Manufacturers of America • Society for Leukocyte Biology • Society for In Vitro Biology • Society for Industrial Microbiology • Society of Protozoologists

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# American Type Culture Collection

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

#### To: (Name and Address of Depositor or Attorney)

Cornell University Medical Center  
Attn: Dr. Steven A. Goldman  
Dept. of Neurology & Neuroscience, 1300 York Avenue  
New York, New York 10021

Deposited on Behalf of: Cornell Research Foundation, Inc. (Docket #CRF D-1997)

#### Identification Reference by Depositor:

#### ATCC Designation

*Escherichia coli* pTα1-RSGFP  
*E. coli* pTα1-GFPh

98298  
98299

The deposits were accompanied by:  a scientific description  a proposed taxonomic description indicated above.

The deposits were received January 21, 1997 by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested January 24, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

#### Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: January 25, 1997

cc: Susan J. Braman, Esq.  
H. Walter Haeussler

HP4/9

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